

論文

「改正」教育基本法後の迷走する日本の教育 - 改正教育三法（2007）をめぐる問題を中心に -

浪 本 勝 年^{*1}

A winding way of Education in Japan since 2006 Fundamental Law of Education

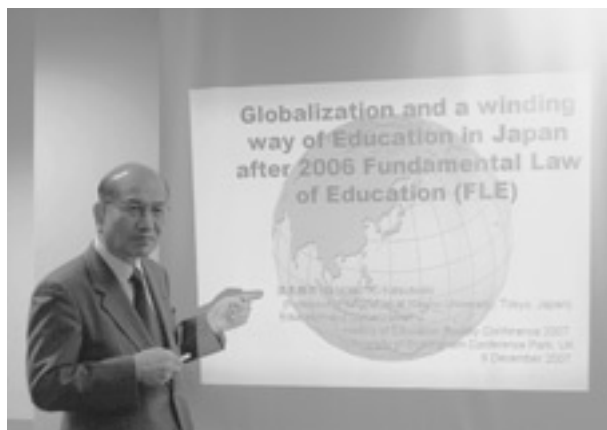
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まえがき

この論文は、1967年に創立された History of Education Society (UK) (HES, イギリス教育史学会) の年次研究大会 (HES Annual Conference 2007 held at Conference Park, The University of Birmingham, UK, 7th-9th December 2007) において、筆者が口頭発表 (2007年12月9日) した原稿に若干の加除修正を行なったものである。

当日の分科会 (Empires, imperialism and education: the impact and legacies of imperialism. Venue: Malvern Room, Horton Grange) の司会者は、この学会に毎年オーストラリアから参加して筆者ともしばしば談笑している Dr. Clive Whitehead (The University of Western Australia) であった。彼は2008年のこの学会の Joint Conference として開催される Sidney 大会の実行委員長を務めることとなっている。

昨2006年に引き続き日本から今回もまたこの学会に参加した武庫川女子大学の山崎洋子教授、明治大学の高野和子教授 (Visiting Academic at Institute of Education, University of London) が、小生の発表に際し、声援を送ってくださった。感謝の辞を表明する次第である。



(9 December 2007, HES Annual Conference 2007, The University of Birmingham)

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発表内容は、「改正」教育基本法（2006年12月22日公布・施行）後の日本におけるいわゆる教育三法（学校教育法、地方教育行政の組織及び運営に関する法律並びに教育職員免許法及び教育公務員特例法の一部改正法、いずれも2007年6月20日成立、同月27日公布、法律94.95.96）をめぐる教育政策の問題についてであった。

発表のあと、Professor Ruth Watts (The University of Birmingham, Former president of HES), Dr. Edwards Vickers (Senior lecturer at Institute of Education, The University of London), Dr. Huda Y. Al-khaizan (Institute of Education, The University of London) 及び司会の Dr. Whitehead から厚意ある質問・助言をいただいた。

前ページの写真は、当日の筆者の発表風景である。

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ABSTRACT

"The biggest matter of the education in Japan since the Second World War" broke out at the end of 2006. The revised Fundamental Law of Education (hereinafter referred to as 2006 FLE) was proclaimed and enforced on 22 December 2006. It revised "completely" the Fundamental Law of Education, proclaimed in 1947 immediately after the Second World War (hereinafter referred to as 1947 FLE), which showed the innovative direction of Japanese education in a magnificent way, excluding the militaristic education before and during the Second World War.

Generally the Fundamental Law of Education is the highest in rank of all the education laws in Japan, and the top of all the laws related to education in Japan. The revision of the Fundamental law of Education causes the change of all the education laws in Japan.

Abe administration (26 September 2006 - 25 September 2007) submitted the partial amendments of the three main education laws to the Diet, and pushed through them by the force of ruling coalition parties on 20 June, 2007, followed by 2006 FLE. They are School Education Law, the Law Concerning Organization and Functions of Local Education Administration, and the Education Personnel Certification Law.

Japanese Government forced through the revisions of the three laws to build up the statism in Education. The political aim of these laws should be to revise the pacifist Japanese Constitution and to make Japan a military superpower again as it was

before the Second World War, and to "develop" Japan as a nation to carry on war.

Japan Teachers' Union made a slogan in 1951, which says "Never send again pupils to the battlefield" and has opposed such government education policies.

Abe administration, however, encountered the historical defeat in the election of House of Counselors on 29 July 2007. As a result of this election the opposition parties gained the majority in the House of Counselors, which prevents the ruling parties led by then-Prime Minister Abe and the present Prime Minister Fukuda from making a continuous effort to make their goal.

This paper shows how the education in Japan has been influenced by 2006 FLE in the near future.

I The Significance and the legal status of the Fundamental Law of Education (1947)

"The biggest matter of education in Japan since the Second World War" broke out at the end of 2006. The Fundamental Law of Education was revised in December 2006 soon after I made a presentation about the Law at the conference of History of Education Society on 5 November 2006. The revised Fundamental Law of Education (hereinafter referred to as 2006 FLE) was proclaimed and enforced on 22 December 2006. It revised "completely" the Fundamental Law of Education, which was proclaimed in 1947, immediately after the Second World War (hereinafter referred to as 1947 FLE) that showed the innovative direction of Japanese education in a magnificent way in order to exclude the militaristic education before and during the Second World War.

Generally the Fundamental Law of Education is the highest in rank of all the education laws, and the top of all the laws related to education in Japan. The revision of the Fundamental Law of Education causes the change of all the education laws in Japan.

II Education reform by Abe administration

Abe Cabinet appeared in September 2006 showed education reform as the highest-priority issue. Abe set up Education Rebuilding Council, pushing out educators or scholars and tried to reform education in a rough way. And he let 2006 FLE enacted by the force of majority in ruling parties although almost all the academic circles in education made an objection.

And moreover, Abe administration submitted the partial amendments of the three main education laws to the Diet, and pushed through them by the force of ruling coalition parties on 20 June 2007, following 2006 FLE.

As a result, three main education laws were forced to revise. They are the School Education Law, the Law Concerning Organization and Functions of Local Educational Administration, and the Education Personnel Certification Law.

The School Education Law brings "Patriotism" into school curricula.

The Law Concerning Organization and Functions of Local Educational Administration lets Minister of Education have more power to control over board of education.

The Education Personnel Certification Law establishes the 10 year renewal system of teacher's license.

III Political aims of the revision of the three education laws (2007)

Japanese Government forced through the revisions of the three laws to build up the statism in education. It is obvious to everyone that the political aims of these laws are to revise the pacifist Japanese Constitution and to make Japan a military superpower again as it was before the Second World War, and to "develop" Japan as a nation to carry on war.

Japan Teachers' Union made a slogan in 1951, which says "Never send again pupils to the battlefield", and major Teachers' Unions opposed such government education policies.

IV Whether the 2006 FLE fits the new century

1947 FLE emphasizes the individual human rights, on the other hand, 2006 FLE aims for the strong control system on education by the Government.

The Japanese Government says that 2006 FLE is agreeable to the new age, but how in the world can we say that it fits the new century?

See 2006 FLE on the left file of Handout 1. Especially Article 2 on p.31, which indicates "Objectives of Education", just shows many old-fashioned virtues and force students to learn them. And Article 16 on p.35, entitled Education Administration, and Article 17 on p.36 entitled Basic Plan for the Promotion of Education show the Byzantinism. It looks as if they are going back to the time before the Second World War when the Imperial Rescript on Education (1890) was forced, and became one of the factors to lead Japan to the miserable war. 2006 FLE seems to be rather adequate for the 19 century.

【Handout 1】

Comparison of the revised (2006) and original (1947) versions of the Basic Act on Education, or Fundamental Law of Education

Basic Act on Education (Act No.120 of 2006)	Basic Act on Education (Act No.25 of 1947)
<p>Preamble</p> <p>We, the citizens of Japan, desire to further develop the democratic and cultural state we have built through our untiring efforts, and contribute to the peace of the world and the improvement of the welfare of humanity.</p> <p>To realize these ideals, we shall esteem individual dignity, and endeavor to bring up people who long for truth and justice, honor the public spirit, and are rich in humanity and creativity, while promoting an education which transmits tradition and aims at the creation of a new culture.</p> <p>We hereby enact this Act, in accordance with the</p>	<p>Preamble</p> <p>Having established the Constitution of Japan, we have shown our resolution to contribute to the peace of the world and welfare of humanity by building a democratic and cultural state. The realization of this ideal shall depend fundamentally on the power of education.</p> <p>We shall esteem individual dignity and endeavor to bring up people who love truth and peace, while education which aims at the creation of culture general and rich in individuality shall be spread far and wide.</p> <p>We hereby enact this Act, in accordance with the spirit of the Constitution of Japan, with a view to</p>

spirit of the Constitution of Japan, in order to establish the foundations of education and promote an education that opens the way to our country's future.

Chapter I. Aims and Principles of Education

(Aims of Education)

Article 1

Education shall aim for the full development of personality and strive to nurture the citizens, sound in mind and body, who are imbued with the qualities necessary for those who form a peaceful and democratic state and society.

(Objectives of Education)

Article 2

To realize the aforementioned aims, education shall be carried out in such a way as to achieve the following objectives, while respecting academic freedom:

(i) to foster an attitude to acquire wide-ranging knowledge and culture, and to seek the truth, cultivate a rich sensibility and sense of morality, while developing a healthy body.

(ii) to develop the abilities of individuals while respecting their value; cultivate their creativity; foster a spirit of autonomy and independence; and foster an attitude to value labor while emphasizing the connections with career and practical life.

(iii) to foster an attitude to value justice, responsibility, equality between men and women, mutual respect and cooperation, and actively contribute, in the public spirit, to the building and development of society.

(iv) to foster an attitude to respect life, care for nature, and contribute to the protection of the environment.

(v) to foster an attitude to respect our traditions and culture, love the country and region that nurtured them, together with respect for other countries and a desire to contribute to world peace and the development of the international community.

(Concept of Lifelong Learning)

Article 3

Society shall be made to allow all citizens to continue to learn throughout their lives, on all occasions

clarifying the aims of education and establishing the foundation of education for new Japan.

Article 1. Aims of Education

Education shall aim at the full development of personality, striving to nurture the citizens, sound in mind and body, who shall love truth and justice, esteem individual value, respect labour and have a deep sense of responsibility, and be imbued with the independent spirit, as builders of the peaceful state and society.

Article 2. Educational Principle

The aims of education shall be realized on all occasions and in all places. In order to achieve the aims, we shall endeavor to contribute to the creation and development of culture by mutual esteem and cooperation, respecting academic freedom, having a regard for actual life and cultivating a spontaneous spirit.

[added]

<p>and in all places, and apply the outcomes of lifelong learning appropriately to refine themselves and lead a fulfilling life.</p>	
<p>(Equal Opportunity in Education)</p>	
<p>Article 4</p>	<p>Article 3. Equal Opportunity in Education</p>
<p>Citizens shall all be given equal opportunities to receive education according to their abilities, and shall not be subject to discrimination in education on account of race, creed, sex, social status, economic position, or family origin.</p>	<p>Citizens shall all be given equal opportunities to receive education according to their abilities, and shall not be subject to discrimination in education on account of race, creed, sex, social status, economic position, or family origin.</p>
<p>(2) The national and local governments shall provide support in education to persons with disabilities, to ensure that they are given adequate education in accordance with their condition.</p>	<p>[added]</p>
<p>(3) The national and local governments shall take measures to provide financial assistance to those who, in spite of their ability, encounter difficulties in receiving education for economic reasons.</p>	<p>(2) The national and local governments shall take measures to provide financial assistance to those who, in spite of their ability, encounter difficulties in receiving education for economic reasons.</p>
<p>Chapter II. Basics of Education Provision</p>	
<p>(Compulsory Education)</p>	
<p>Article 5</p>	<p>Article 4. Compulsory Education</p>
<p>Citizens shall be obligated to have children under their protection receive a general education pursuant to the provisions of other acts.</p>	<p>Citizens shall be obligated to have children under their protection receive nine-year general education.</p>
<p>(2) The objectives of general education, given in the form of compulsory education, shall be to cultivate the foundations for an independent life within society while developing the abilities of each individual, and to foster the basic qualities necessary for those who form our state and society.</p>	<p>[added]</p>
<p>(3) In order to guarantee the opportunity for compulsory education and ensure adequate standards, the national and local governments shall assume responsibility for the implementation of compulsory education through appropriate role sharing and mutual cooperation.</p>	<p>[added]</p>
<p>(4) No tuition fee shall be charged for compulsory education in schools established by the national and local governments.</p>	<p>(2) No tuition fee shall be charged for compulsory education in schools established by the national and local governments.</p>
<p>[deleted]</p>	<p>Article 5. Co-Education</p>
	<p>Men and women shall esteem and cooperate with each other. Co-education, therefore, shall be</p>

	recognized in education.
(School Education)	
Article 6	Article 6. School Education
The schools prescribed by law shall be of a public nature, and only the national government, local governments, and juridical persons prescribed by law shall be entitled to establish them.	The schools prescribed by law shall be of a public nature and, besides the national and local governments, only juridical persons prescribed by law shall be entitled to establish them.
(2) The schools set forth in the preceding paragraph shall, in order to fulfill the objectives of education, provide a structured education in an organized way suited to the mental and physical development of the recipients. It shall be carried out in a way that emphasizes instilling the recipients with respect for the discipline necessary to conduct school life, and strengthening their own motivation to learn.	[added]
[see (Teachers) Article 9]	(2) Teachers of the schools prescribed by law shall be servants of the whole community. They shall be conscious of their mission and endeavor to discharge their duties. For this purpose, the status of teachers shall be respected and their fair and appropriate treatment shall be guaranteed.
(Universities)	
Article 7	[added]
Universities, as the core of scholarship activities, shall cultivate advanced knowledge and specialized skills, inquire deeply into the truth and create new knowledge, while contributing to the development of society by broadly disseminating the results of their activities.	
(2) University autonomy, independence, and other unique characteristics of university education and research shall be respected.	
(Private Schools)	
Article 8	[added]
Taking into account the public nature of privately established schools and their important role in school education, the national and local governments shall endeavor to promote private school education through subsidies and other appropriate means, while respecting school autonomy.	

<p>(Teachers)</p> <p>Article 9</p> <p>Teachers of the schools prescribed by law shall endeavor to fulfill their duties, while being deeply conscious of their noble mission and continuously devoting themselves to research and self-cultivation.</p> <p>(2) Considering the importance of the mission and duties of the teachers set forth in the preceding paragraph, the status of teachers shall be respected, their fair and appropriate treatment ensured, and measures shall be taken to improve their education and training.</p>	<p>(From Article 6, above)</p> <p>(2) Teachers of the schools prescribed by law shall be servants of the whole community. They shall be conscious of their mission and endeavor to fulfill their duties. For this purpose, the status of teachers shall be respected and their fair and appropriate treatment shall be ensured.</p>
<p>(Education in the Family)</p> <p>Article 10</p> <p>Mothers, fathers, and other guardians, having the primary responsibility for their children's education, shall endeavor to teach them the habits necessary for life, encourage a spirit of independence, and nurture the balanced development of their bodies and minds.</p> <p>(2) The national and local governments shall endeavor to take necessary measures supporting education in the family, by providing guardians with opportunities to learn, relevant information, and other means, while respecting family autonomy in education.</p>	<p>[added]</p>
<p>(Early Childhood Education)</p> <p>Article 11</p> <p>Considering the importance of early childhood education as a basis for the lifelong formation of one's personality, the national and local governments shall endeavor to promote such education by providing an environment favorable to the healthy growth of young children, and other appropriate measures.</p>	<p>[added]</p>
<p>(Social Education)</p> <p>Article 12</p> <p>The national and local governments shall encourage education carried out among society, in response to the demands of individuals and the community as a whole.</p> <p>(2) The national and local governments shall</p>	<p>Article 7. Social Education</p> <p>The national and local governments shall encourage education carried out at home, in places of work and elsewhere in society.</p> <p>(2) The national and local governments shall endeavor to attain the aims of education by the</p>

endeavor to promote social education by establishing libraries, museums, community halls and other social education facilities, opening the usage of school facilities, providing opportunities to learn, relevant information, and other appropriate means.	establishment of such institutions as libraries, museums, community halls, etc., by the usage of school facilities, and by other appropriate means.
(Partnership and Cooperation among Schools, Families, and Local Residents) Article 13 Schools, families, local residents, and other relevant persons shall be aware of their respective roles and responsibilities regarding education, and endeavor to develop partnership and cooperation.	[added]
(Political Education) Article 14 The political literacy necessary for sensible citizenship shall be valued in education. (2) The schools prescribed by law shall refrain from political education or other political activities for or against any specific political party.	Article 8. Political Education The political literacy necessary for sensible citizenship shall be valued in education. (2) The schools prescribed by law shall refrain from political education or other political activities for or against any specific political party.
(Religious Education) Article 15 The attitude of religious tolerance, general knowledge regarding religion, and the position of religion in social life shall be valued in education. (2) The schools established by the national and local governments shall refrain from religious education or other activities for a specific religion.	Article 9. Religious Education The attitude of religious tolerance and the position of religion in social life shall be valued in education. (2) The schools established by the national and local governments shall refrain from religious education or other activities for a specific religion.
Chapter III. Education Administration (Education Administration) Article 16 Education shall not be subject to improper control and shall be carried out in accordance with this and other acts; education administration shall be carried out in a fair and proper manner through appropriate role sharing and cooperation between the national and local governments.	Article 10. Education Administration Education shall not be subject to improper control, but it shall be directly responsible to the whole citizens. (2) Education administration shall, on the basis of this realization, aim at the adjustment and establishment of the various conditions required for the pursuit of the aims of education.
(2) The national government shall comprehensively formulate and implement education measures in	[added]

order to provide for equal opportunities in education and to maintain and raise education standards throughout the country.	
(3) The local governments shall formulate and implement education measures corresponding to regional circumstances in order to promote education in their respective regions.	[added]
(4) The national and local governments shall take necessary financial measures to ensure the smooth and continuous provision of education.	[added]
(Basic Plan for the Promotion of Education) Article 17 In order to facilitate the comprehensive and systematic implementation of measures for the promotion of education, the government shall formulate a basic plan covering basic principles, required measures, and other necessary items in relation to the promotion of education. It shall report this plan to the Diet and make it public.	[added]
(2) Local governments, referring to the plan set forth in preceding paragraph, shall endeavor to formulate a basic plan on measures to promote education corresponding to regional circumstances.	
Chapter IV. Enactment of Laws and Regulations Article 18 Laws and regulations necessary to implement the provisions stipulated in this Act shall be enacted.	Article 11. Additional Rule In case of necessity appropriate laws and regulations shall be enacted to carry the foregoing provisions into effect.

(Tentative translation by the Japanese Ministry of Education, Culture, Sports, Science, and Technology)

If Japanese Government says 2006 FLE is to be "new", it should be globalized in 21st century. As is well known, however, 21st century should be the century of human rights, alongside of the international protection of human rights, adopting the spirits of International Covenants on Human Rights (1966) or Convention on the Rights of the Child (1989). There is no educational, persuasive, and rational reason explained at all in order to 'revise' 1947 FLE.

The forceful handling of the government, however, provoked a backlash of people in Japan, and the ruling parties led by Abe suffered a crushing defeat in the Upper House election in July 2007. Abe, denying resignation, became stuck in managing Diet affairs, especially in the support measures to U.S. -led forces in the problem of antiterrorism in Afghanistan and Iraq. Suddenly he threw out the regime. As a result the reform of education has lost the momentum.

V Less interest in education reform of Fukuda administration than Abe's

It was in late September 2007 when the new Fukuda cabinet appeared after Abe administration. The present Prime Minister Fukuda has made it the top priority in his cabinet to supply fuel in the Indian Ocean to support the U.S. -led forces in Afghanistan and Iraq. A high-handed approach to education by the former Prime Minister Abe has been thrown into the shade since Fukuda appeared. Fukuda has less interest in the reform of education.

Education Rebuilding Council, negative legacy made by Abe is planning to submit the third report at the end of the year 2007 (The final report was submitted on 31 January 2008).

VI The real meaning of the globalization of education

In its report the Council is to replace "moral" education by a new subject, Tokuiku. Moral education is not one of the subjects in the present school curricula, but the Council aims to make "Tokuiku" a new subject to be composed of many old-fashioned virtues that were common in the 19 century. This policy is totally anachronism.

It is 1947 FLE that shares the spirit of conventions adopted by UN. So to make the spirit of 1947 FLE prevail, indeed, means the globalization of education.

【Handout 2】'Education, defense bills passed', *Japan Times*, Saturday, 16 December 2006 (omit)

【Handout 3】'New Laws to reshape education system', *Japan Times*, Thursday, 21 June 2007 (omit)



(From left to right: Namimoto, Dr. Whitehead, Frau Susanne Spieker (University of Humburg) & Prof. YAMASAKI Yoko, 9 December 2007, The University of Birmingham)